

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):     TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
IN RE THE MATTER OF:	
<b>PETITION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM UNDER THE PROBATE CODE</b> <input type="checkbox"/> <b>EX PARTE</b>	CASE NUMBER:

*NOTE: This form is for use in proceedings under the Probate Code except for compromise of an action to which a minor or incapacitated person is a party. An individual cannot act as a guardian ad litem unless the individual is an attorney or is represented by an attorney.*

1. Petitioner (name): \_\_\_\_\_ is:
  - a. ☐ Personal representative of the estate of:
  - b. ☐ Guardian of:
  - c. ☐ Conservator of:
  - d. ☐ Trustee of:
  - e. ☐ Other interested person (specify capacity):
2. This petition seeks the appointment of the following person as guardian ad litem (state name, address, and telephone number):
3. The guardian ad litem is to represent the interests of the following person(s) (state name, address, and telephone no.):
4. The person to be represented is:
  - a. ☐ a minor (date of birth):
  - b. ☐ an incapacitated person
  - c. ☐ an unborn person
  - d. ☐ an unascertained person
  - e. ☐ a person whose identity or address is unknown
  - f. ☐ a designated class of persons who are not ascertained or are not in being
5. Appointment of a guardian ad litem arises out of issues regarding:
  - a. ☐ the execution of a disclaimer under Probate Code section 277 (specify details in Attachment 5a).
  - b. ☐ the representation of the interests of a spouse alleged to lack legal capacity (Prob. Code, §§ 3112, 3140) (specify details in Attachment 5b).
  - c. ☐ the consent to modification or termination of trust (Prob. Code, § 15405) (specify details in Attachment 5c).
  - d. ☐ the approval and settlement of claims against a deceased settlor (Prob. Code, § 19029) (specify details in Attachment 5d).
  - e. ☐ the representation of a minor, incapacitated person, or other person identified in Probate Code section 1003(a) in a proceeding under the Probate Code (Prob. Code, § 1003(a)) (specify details in Attachment 5e).
  - f. ☐ other (specify details in Attachment 5f).
6. The appointment of a guardian ad litem is:
  - a. ☐ proper because the minor has no guardian of his or her estate
  - b. ☐ necessary for the following reasons (specify details in Attachment 6b).

(Consent of proposed guardian and minor on reverse)

IN RE THE MATTER OF:  _____	CASE NUMBER:  _____
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7. The proposed guardian ad litem's relationship to the person he or she is representing is:
- ☐ related (*state capacity*):
  - ☐ not related (*specify capacity*):
8. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person he or she is representing as explained in Attachment 8 and has no interest adverse to the interests of that person.
9. Notice of this proceeding:
- ☐ should be dispensed with (*specify reasons for ex parte request in Attachment 9a*).
  - ☐ will be given to the parties named in Attachment 9b.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... (TYPE OR PRINT NAME)		_____ (SIGNATURE OF PETITIONER)
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### CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem and I declare under penalty of perjury under the laws of the State of California that the foregoing petition is true and correct.

Date:

..... (TYPE OR PRINT NAME)		_____ (SIGNATURE OF PROPOSED GUARDIAN)
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### ☐ CONSENT OF MINOR TWELVE (12) YEARS OF AGE OR OLDER (*Optional*)

I, ( <i>name</i> ): ( <i>name</i> ): reasons set forth in items 5 and 6 of this petition.	, am ( <i>specify age</i> ): _____ years of age and hereby nominate to be my guardian ad litem to represent my interests for the
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Date:

..... (TYPE OR PRINT NAME)		_____ (SIGNATURE OF MINOR 12 YEARS OF AGE OR OLDER)
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**ORDER    ☐ EX PARTE**

THE COURT FINDS that

- ☐ All notices required by law have been given.
  - ☐ Notice is dispensed with.
- It is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the petition, as hereinabove requested:

THE COURT ORDERS

Petitioner ( <i>name</i> ): ( <i>name</i> ):	is hereby appointed guardian ad item of for the purposes set forth in items 5 and 6 of the petition.
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THE COURT FURTHER ORDERS that

the guardian ad litem ☐ is ☐ is not \_\_\_\_\_ authorized to waive or disclaim any substantive rights of the represented party without further order of this court.

Date:

_____ JUDGE OF THE SUPERIOR COURT		_____ SIGNATURE FOLLOWS LAST ATTACHMENT
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